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OPEN MEETING AGENDA ITEM **ORIGINAL****Prudential****RECEIVED**

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**AZ CORP COMMISSION
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The Honorable Members of the Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

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RE: 0003514A - 05-0729

Dear Sirs,

Please allow Sherry Taylor, an associate with our firm to read this in the public hearing on my behalf and accept my apologies for not being able to be in attendance today.

I appreciate the opportunity to address you on this matter today. Our firm represented the developer of Elusive Acres in the original marketing of those properties. We also represented Mr. Steve Prahin in the acquisition of his lot.

The developer of Elusive Acres, developed a water system that would serve the Elusive Acres subdivision. Elusive Acres was approved by the Arizona Department of Real Estate. When the water system was turned over to United Utilities, not by choice, but because they had a Certificate of Convenience and Need, United Utilities hooked the Elusive Acres system into Geronimo Estates and starting issuing new meters in Geronimo Estates. United Utilities, erroneously reported that the moratorium in Geronimo Estates was lifted.

Until Mr. Prahin's ordeal, we were never aware of any moratorium in Elusive Acres. The Commission has chosen to lump the entire case together. I am appealing to the Commission to allow Elusive Acres to have the water that was provided for them, while we support the need for the Fire Station.

The issue we are dealing with here is a rogue water company that is negatively affecting the lives of most of the people in the unincorporated areas of Northern Gila County. The developer of Elusive Acres found water. In Pine, Brook vehemently protested the creation of separate water district for a new subdivision, Strawberry Hollow. Thank goodness that water district was allowed to form. They have found adequate water for their need, with surplus. There is water to be found by responsible entities.

Brook Utilities has no proven record of fully addressing their shortcomings. Instead they disdain from taking any actions that would remediate their failures. Brook Utilities' protest to the recommendation before you today is an example. If there was any way open to you, it would serve the citizens of Arizona, if you would withdraw Brook's Certificate of Convenience and Need. Or in the alternative, use all means possible to make them be responsible for the rights that are granted to them. You are our only place to appeal these inadequacies. At a minimum, please don't allow Brook to defer or defeat these recommendations before you today.

Further, I also ask that you undertake some system of public notification beyond your current methods. They are inadequate to inform the public of restrictive actions and as you can see from history, you can't rely on the Utility to carry out your directives. Mr. Mundell, contrary to your remarks to Mr. Prahin, this is not a burden that should fall on real estate brokers, where there is no public knowledge. Since the Commission's actions impact each and every individual property, it seems you could effectively use a document recorded in the public record to accomplish this needed notification of your actions.

I appreciate your efforts on our behalf and I know you are trying to make the best decision you can under the circumstances. Thank you for your consideration.

Sincerely

Cliff Potts, Broker